08-27-04

PATENT APPLICATION

Express Mail Label No.: EV 328186705 US

ate of Deposit:

August 26, 2004

Atty Docket: 15966-557PO (Cura 57PO)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Shimkets

**SERIAL NUMBER:** 

10/644,349

**EXAMINER:** 

Not yet assigned

FILING DATE:

August 20, 2003

ART UNIT:

1645

For:

METHODS FOR DIAGNOSING AND TREATMENT OF CONDITIONS

THAT ALTER PHOSPHATE TRANSPORT IN MAMMALS

MAIL STOP PGPUB Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313.1450

## **TRANSMITTAL**

Transmitted herewith for filing in the present application are the following documents:

1. Notice of Foreign Filing and Request under 35 U.S.C. 122(b)(2)(B)(iii) to Rescind Previous Nonpublication Request (1 page);

2. Return post card.

No fee is believed due with this filing. However, the Commissioner is hereby authorized to charge any fees due, or credit any overpayment of same, to the undersigned's account, Deposit Account No. 50-0311, Reference No. 15966-557PO (Cura 57PO). A duplicate copy of this transmittal letter is enclosed.

Dated: August 26, 2004

Ivor R. Elrifi, Reg. No. 39,529

Kristin E. Konzak, Reg. No. 44,848

Attorney for Applicants Telephone: (617) 542-6000

Respectfully submitted,

Facsimile: (617) 542-2241

Customer No. 30623.

Express Mail Label No.: EV328186705 US

**Date of Deposit:** 

August 26, 2004

AUG 2 6 2004

Attorney Docket No. 15966-557 PO (Cura 57PO)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Shimkets et al.

SERIAL NUMBER:

10/644,349

EXAMINER:

Not Yet Assigned

FILING DATE:

August 20, 2003

ART UNIT:

1645

FOR:

METHODS FOR DIAGNOSING AND TREATMENT OF CONDITIONS THAT

ALTER PHOSPHATE TRANSPORT IN MAMMALS

MAIL STOP PGPUB Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313.1450

## NOTICE OF FOREIGN FILING AND REQUEST UNDER 35 U.S.C 122(b)(2)(B)(iii) TO RESCIND PREVIOUS NONPUBLICATION REQUEST

Applicants hereby notify the Commissioner for Patents under 35 U.S.C. 122(b)(2)(B)(iii) that the invention disclosed in the instant application identified above has been the subject of an application filed in another country, or under a multilateral agreement that requires publication at eighteen months after filing. Namely, an application drawn to the invention disclosed in the instant application was filed with the PCT on August 20, 2004. Applicants hereby rescind the Request for NonPublication under 35 U.S.C. 122(b)(2)(B)(i), dated August 20, 2003.

This notice and request to rescind is filed within 45 days of the August 20, 2004, filing date of the corresponding foreign application. This Notice is therefore timely filed as provided under 37 C.F.R. 1.213(b)-(c). No fee is believed due with this filing. However, the Commissioner is hereby authorized to charge any fees due, or credit any overpayment of same, to the undersigned's account, Deposit Account No. 50-0311, Reference No. 15966-557PO (Cura 57PO).

Dated: August 26, 2004

Ivor R. Elrifi, Reg. (No. 39,529)

Kristin E. Konzak, Reg. 44,848

Attorneys for Applicants c/o MINTZ, LEVIN

Respectfully submitted

Tel: (617) 542-6000 Fax: (617) 542-2241 Customer No. 30623